

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JOHN T. LONG,

Plaintiff,

v.

CASE NO. 21-3167-SAC

MICHAEL A. JOHNSTON, et. al,

Defendants.

MEMORANDUM AND ORDER

Plaintiff, an inmate at the U.S. Disciplinary Barracks in Fort Leavenworth, Kansas (“USDB”), brings this *pro se* civil rights action asserting six counts. On December 3, 2021, the Court entered a Memorandum and Order and Order to Show Cause (Doc. 4) directing Plaintiff to show good cause why his claims in Count I of his Complaint should not be dismissed. In Count I, Plaintiff challenges his disciplinary proceedings at the USDB. The Court found that Plaintiff’s claims in Count I regarding his disciplinary proceedings must be brought in an action under § 2241. *See, e.g., Brown v. Johnston*, Case No. 21-3010-JWL, 2021 WL 4206330 (D. Kan. Sept. 16, 2021) (challenge to disciplinary proceedings at the USDB were brought under 28 U.S.C. § 2241). The Court directed the Clerk to send Plaintiff a form for filing a habeas action under § 2241 for use if he elects to challenge his disciplinary proceedings in a separate habeas action. The Court also found that Plaintiff should show good cause why his claims in Count I should not be dismissed.

In response, Plaintiff submitted a § 2241 petition and memorandum in support. (Docs. 5, 6.) Plaintiff included the case number for this case and the petition and memorandum were filed in this case. The petition has now been filed as a separate habeas action. *See Long v. Johnston*,

Case No. 21-3288-JWL. Therefore, the Court finds that Plaintiff's claims in Count I are dismissed.

IT IS THEREFORE ORDERED THAT Plaintiff's claims in Count I are **dismissed**.

IT IS SO ORDERED.

Dated December 29, 2021, in Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow
U.S. Senior District Judge